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09/490,495	01/25/2000	Trevor Blumenau	12722.00170	7210

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EXAMINER

NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/490,495

Applicant(s)

Blumenau

Examiner

Cuong H. Nguyen

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10/10/2002 (the CPA)
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 66-85, 101, and 102 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 66-85, 101, and 102 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other:

**DETAILED ACTION**

1. This Office Action is the answer to the communication received on 10/10/2002 (the CPA & pre. amendment), which papers have been placed of record in the file.

2. Claims **66-85, 101-241** are pending in this application; claims 103-241 have been canceled by above preliminary amendment.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112: The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicants regard as their invention.

3. Claims **66-67, 75-76** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. Re. To claim 75: In particular, a claimed limitation is unclear "wherein the function (a comprises the function of monitoring the position of the specific content on the display".

B. Re. To claims 66-67, 75-76, 79-82: The examiner further submits that an amended terms "the specific content" lacks an antecedent basis and are unclear.

C. Re. To claim 101: The examiner submits that an amended terms "the specific portion of the content" lacks an antecedent basis and are unclear.

D. Claim 66 is rejected under 35 U.S.C. 112, second paragraph, as lacking an antecedent basis in that independent claim for "the position" in "electronically monitoring the position at which the specific content is displayed on a display screen of the computer system".

E. Claim 67 is rejected under 35 U.S.C. 112, second paragraph, as lacking an antecedent basis in that independent claim for "the dissemination".

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

***(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.***

4. Claims 66-85, 101-102 are rejected under 35 U.S.C.

§ 103(a) as being unpatentable over **Curran** et al. (UK Patent GB 2250112A), in view of **Brown** (Using Netscape 2 - Special Edition), **Capps** (US Pat. 5,634,100), and further in view of the Official Notice based on the examiner reasonable interpretation of these claims as followings:

A. Re. To claim 66: A method of monitoring an object by a computer, comprising:

- i. monitoring a position of a specific content/object;

- ii. generating data based on said monitoring;
- iii. processing said data to obtain specific information.

The examiner submits that above claim's limitations are so broad that they read-on many computer applications involving graphic displays and a cursor besides previous Office Action cited art; since a computer microprocessor and a basic software program obviously register any cursor movement, its current position, and depending on a specific software application, data locations/position would be processed if necessary (may be stored and displayed thereafter). These limitations are fundamental and many applications have been used (e.g., Autocad, Pspice of Microsim .etc.)

B. Re. To claim 67: A medium having program codes that cause:

- a) monitoring objects from a location; then
- b) generating data at that location (generated data can be from a local location, or at a remote location; however, data are known to be transmitted from one place to another place through a media; therefore, this limitation is very obvious); then
- c) transferring said data to a 2<sup>nd</sup> location; and
- d) processing said transferred data.

The examiner submits that this claim is considered as a method claim since all limitations are steps to perform a specific function. Limitations a), b), and d) are similar to a method of claim 66 and rationale and references for

rejection are similar. Limitation c) add a step of transferring data to a different location. This limitation is also obvious in the art because moving data has been well-known; and previous Office Action cited art obviously performed such steps.

C. Re. To claim 68: A method of claim 67 wherein a portion of computer codes is received from a different location.

The Official Notice is taken here that receiving computer codes from a different location have been done on the Internet (a phrase "a portion of computer code" is obvious to one with ordinary skill in the art when you only need to split a "long" program into shorter files and sending away those short files.

D. Re. To claim 69: A method of claim 67 wherein the content/object (computer codes) is received from a different location.

The Official Notice is taken here that receiving computer codes from a different location have been done on the Internet. Therefore, this claimed limitation is obvious with one of ordinary skill in the art.

E. Re. To claim 70: A method of claim 68 wherein a 3<sup>rd</sup> location is the 2<sup>nd</sup> location.

The Official Notice is taken here that it would be obvious for one with ordinary skill in the art to define a different location/computer address for transmitting/receiving data.

F. Re. To claim 71: A method of claim 69 wherein a 4th location is a 3rd location.

The Official Notice is taken here that it would be obvious for one with ordinary skill in the art to define a different location/computer address for transmitting/receiving data.

G. Re. To claim 72: A method of claim 71 wherein a 4th location is a 2nd location.

The Official Notice is taken here that it would be obvious for one with ordinary skill in the art to define a different location/computer address for transmitting/receiving data.

H. Re. To claim 73: A method of claim 69 wherein a 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> locations are the same location.

The Official Notice is taken here that it would be obvious for one with ordinary skill in the art to define a similar location/computer address for receiving data.

I. Re. To claim 74: A method of claim 68 wherein a 3<sup>rd</sup> location is a 2<sup>nd</sup> location.

The Official Notice is taken here that it would be obvious for one with ordinary skill in the art to define a different location/computer address for transmitting/receiving data.

J. Re. To claim 75: In addition to claim 67, the examiner submits that a limitation of monitoring a position of a displayed object is similar to claim 66's limitation; cited

references from previous Office Actions obviously suggest about monitoring a position of a displayed object.

K. Re. To claim 76: In addition to claim 75, the examiner submits that comparing 2 different displayed positions according to 2 different objects have been done (directly or indirectly) to show their relatively coordinates .etc. (e.g., a distance between 2 different coordinates are calculated to show a true ratio between a real component and this drawing in AutoCad; this result would be calculated and tabulated).

L. Re. To claim 77: In addition to claim 76, the Official Notice is taken here that determining if an object obstructs another object on a screen have been done at least using a common coordinate as reference for calculations or by physically observances.

M. Re. To claim 78: In addition to claim 77, the Official Notice is taken here that determining a duration of a "blocking" between 2 objects have been done at least indirectly (e.g., a computer's clock have been used for showing for how long 2 objects are overlapped, a simple subtraction between beginning time and end time would give claimed result, said result is recorded and is display).

N. Re. To claim 79: In addition to claim 79, the Official Notice is taken here that generating a current cursor's position/coordinates have been done (e.g., AutoCad, Pspice of Microsim).



O. Re. To claim 80: In addition to claim 67, the Official Notice is taken here that monitoring a duration with respect to an object (unchanged position) on screen is obvious (e.g., using Pspice to draw a curve with discreet digital voltage levels (0 volt or 5 volts), a duration of "0 volt" or "low" levels would be seen on a displayed curve).

P. Re. To claim 81: In addition to claim 67, the examiner submits that a limitation of monitoring a duration of displaying of an object (on screen) is obvious with similar rationales as of claim 80.

Q. Re. To claim 82: In addition to claim 67, the Official Notice is taken here that monitoring selection of a hyperlink within an object on screen has been done with Autocad software (e.g., if a user wants to see detail layers from a block diagram generated by Autocad software; said user analogously selects a so-called "hyperlink" in a process of opening a selected/(cursor pointed) area on that main block diagram; and that selection would be recorded for monitoring purposes).

R. Re. To claim 83: In addition to claim 67, the Official Notice is taken here that a feature of transmitting data (e.g., transmitting demographic information) is obvious with one of ordinary skill in the art (note that demographic data are non-functional material and would be considered as data).

S. Re. To claim 84: A method of claim 67 wherein data are transferred to a location on the Internet.

The Official Notice is taken here that this would be obvious with one of ordinary skill in the art (see also a claimed limitation of claim 67).

T. Re. To claim 85: In addition to claim 67, the Official Notice is taken here that encrypting monitoring data is obvious with one of ordinary skill in the art since encryption has been known for data protection purpose.

U. Re. To claim 101: This claim directs to a display site, comprising:

- a) a display device (a computer monitor);
- b) a processor to detect display information (this component is "a must have" in any computer); and
- c) a transmission device (e.g. a telephone line).

Above 3 components are coupled to each other.

The examiner submits that it is well-known that a computer network with Internet capabilities would meet all of this claim's limitations. Therefore, this claim is anticipated by **Brown** according to 35 USC 102(e) rejection because this is a system claim comprising above 3 components.

V. Re. To claim 102: This claim is unclear for interpretation since it is directed to a display site which is a system claim; however, it has a limitation for a method's step "wherein a (monitoring) program ... is received from a ... remote site".

The examiner submits that different locations for a monitoring program and for transferred data would be obvious with one of ordinary skill in the art.

5. Claims **66-85, 102-103** are rejected under 35 U.S.C. §103(a) as being unpatentable over **Curran** et al. (GB 2250112 - 5/27/92), in view of **Brown** (Using Netscape 2 - Special Edition), in view of **Cannon** et al. (US Pat. 5,673,382), and further in view of the Official Notice.

Based on above interpretations, **Curran** et al. disclose a system/method/computer-readable medium for monitoring displays by a computer system, comprising:

- instructions for causing the content/object to be displayed by a computer system (inherently in **Curran** et al.'s patent);

- means/step/instructions for monitoring a position/a change in time of an image on a display screen (of a content/object characteristic) (see **Curran** et al., pp. 4:9-12, 5:3-8, 17-23); **Curran** et al. don't discuss a means for determining a duration of each time if a display is hidden by other images.

**Brown** --this reference was supplied in the parent case 's Office Action-- further suggests there is a means/instructions for determining a duration of each time if a display is hidden by other images (see **Brown**, pp. 270, 805, 720-721) (this is also a limitation in claim 66 about evaluating a position of a content/object display).

Furthermore, **Capps** clearly discloses that fact with Figs. 7 & 10, 12:64-67 and

- means/step/instructions for monitoring/evaluating/ comparing/judging a position/a change in time of an image on a display screen (see **Curran** et al., pp. 5:6-7 and 5:13-16).

**Curran** et al. do not expressly disclose about transmitting monitoring information between sites in response to a signal.

However, **Brown** (Using Netscape 2 - Special Edition) obviously suggests that feature.

The Official Notice is taken here that a step of receiving a specific program (e.g. a monitoring program) over the Internet); downloading data to a specific address, downloading time, uploading data/(time duration) is notoriously well-known in computer art.

The Official Notice is taken here that all communications over a network (i.e., all claims' limitation comprising data about specific/different coordinates of contents) to different servers coupled to that network are notoriously well-known to a person with skills in the art of networking.

The examiner submits that these claims' limitations are obvious because **Curran** et al., **Capps**, and **Brown** need not necessary spelled-out exactly claimed languages, because their suggestions also directed to a similar system for monitor displaying/controlling; their limitations are not limited to described embodiments in these disclosures. It

is reasonable that various modifications and variations of their systems/steps would be apparent to those skilled in the art at the time of invention without departing from the scope and spirit of the invention. Although their disclosures have been described in connection with specific preferred embodiments, it should be understood that their limitations should not be unduly limited to such specific embodiments. It is to be understood that various changes and modifications can be effected therein by one skilled in the art without departing from the spirit or scope of the cited prior art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to implement **Curran** et al. 's system with **Brown & Capps** 's suggestions because it provides more features in monitoring a display of object by a computer system.

#### ***Conclusion***

6. Claims **66-85, 102-103** are not patentable.

7. These references are considered pertinent to applicant's disclosure.

- **Curran** et al. (UK Pat. GB 2250112A), Computer testing capture device, 05/27/1992.

- Gabel et al., The better to see you with - get your windows video up to speed with these graphics accelerators, Windows Magazine, 1995, n60, pg.260 (from Dialog® File 647, acc. No. 01055060).

- From Dialog® File 647, acc. No. 00588369, Synchro/resolver board supports six channels, Electronic Engineering Times, 4/15/1991, n 637, 85.
- Shibata et al., (US Pat. 5,835,923 - 11/10/1998), Contents information transmitting/viewing system and method therefor.
- Pan, (US Pat. 5,926,168 -- 7/20/1999), Remote pointers for interactive televisions.
- Tsai, (US Pat. 5,495,581 - 2/27/1996), Method and apparatus for linking a document with associated reference information using pattern matching.
- **Capps** (US Pat. 5,634,100 - 5/27/1997), System and method for event parameter interdependence and adjustment with pen input.
- Halliday, FastCAD offers speed, 3-D rendering features, InfoWorld, v13n49, pp.98-105, 12/09/1991.
- Halliday, Product Comparison: High-End CAD, InfoWorld, v13n16, pp.55-75, 4/22/1991.
- Lubow, An engineer's guide to AutoCAD, Industrial Engineering, v19n8, pp.ESC18-ESC20, 8/1987.
- Parks et al., New workstation from SunRiver Corp. Offers highest CAD performance at affordable price, Business Wire, s1 p1, 6/11/1990.
- McGrath, The tail-less mouse: is innovative mouse missing more than just a tail?, Computer Graphics World, v11, p117(2), 10/1988.

- Lombardi, Windows Word Processors: InfoWorld tests the tools and features in six of the high-end graphical products, InfoWorld, v14n6, pp.78-96, 2/10/1992.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cuong H. Nguyen whose telephone number is 703-305-4553. The examiner can normally be reached on Mon.-Fri. from 7:15 AM to 3:15 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins, can be reached on (703)308-1344.

Any response to this action should be mailed to:

Amendments

*Commissioner of Patents and Trademarks*  
*Washington D.C. 20231*

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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

09/490,495  
Art Unit 3625

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

*Cuong Nguyen*  
Primary Examiner  
Oct. 18, 2002